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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,226	12/31/2003	Ronald L. Black	21898.00	7140

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EXAMINER

ABOAGYE, MICHAEL

ART UNIT PAPER NUMBER

1725

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,226

Applicant(s)

BLACK ET AL.

Examiner

Michael Aboagye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/31/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. The examiner acknowledges receipt of Applicants' restriction election filed July 12, 2006. Applicant elected Group I, claims 1-10, with traverse stating that a search and examination of the entire application could be accomplished without a serious burden on the examiner, as the multiple embodiments would encompass a common field of search. Applicant's traversal is unpersuasive for the following reasons, while a search for group I may overlap with the that of group II, they are not co-extensive of each other and thus would represent undue burden on the examiner. The requirement is deemed proper and therefore made FINAL. Claims 1-20 are pending, claims 11-20 are nonelected, therefore claims 1-10 are examined in the instant application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA, Gasaver made by Weldit or Smith, Equipment of Watertown, South Dakota) in view of Black (4,398,560).

AAPA teaches a Gasaver for brazing comprising: a dual spring-loaded shut-off valve; said shut-off valve includes a movable pivot arm extending from it including a hook at a far end. Said hook adapted for holding a torch when brazing is not being performed; moving downward the pivot arm and thereby shutting off simultaneously both the valves to the fuel and oxygen supply. Conversely, when the torch is removed from the arm when the torch is being used to braze, the arm is spring-biased to swing upward, opening the dual valve to permit fuel and oxygen to flow to the torch. Wherein said Gasaver provides the advantage of avoiding wasting fuel (e.g., acetylene) and oxygen during periods when brazing is not being performed, AAPA also teaches supply of nitrogen as purge gas in brazing (see, Applicants' specification page 2, line 17 – page 3, line 22).

AAPA teaches the element of claim 1 and the general concept of using pivoted arm system actuated to simultaneously close and open dual valves system, AAPA does

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not teach double valve housing attached to each other to be operated simultaneously by said pivoted arm system.

However Black teaches a multiple shut off valve body (2,4) system adapted for a brazing installation, said multiple shut off valve bodies operable to open and shut simultaneously to permit or stop the flow of dual gas streams respectively. Said valve bodies made of two separate valve housings attached to one another, defined in each housing is an inlet, outlet for the gas flow and a central passage in communication with both the outlet and the inlet passages; a plunger (valve stem, 34) having an upper end and a lower end and adjustable between an open position and a closed position; a threaded plug (38) having a hex nut upper end and further having a cylindrical socket (42) formed at the inside end and serves as a guide for slidably receiving the upper end of the plunger; said plug adapted for limiting the movement of the plunger; a coil spring (44) compressably received between the threaded plug and an annular flange(32) about the plunger to resiliently bias the lift valve towards the shut-off position in order to permit a gas to flow through the valve housing from the inlet passage (16) and to the outlet passage (58)(see, column 3, lines 10–68 and figure 2 and 4); wherein the inlet passage further comprises a threaded inlet opening disposed on a first side of said valve housing; wherein the outlet passage further comprises a threaded outlet opening disposed on a side of said valve housing opposite the threaded inlet opening; further comprising a threaded inlet fitting engaged in the inlet opening having a pressure reducing orifice disposed through its center for reducing the pressure of the gas delivered through the valve housing.

The central gas passage comprising: a threaded cavity defined on a top surface of said housing; a sealing ring resting inside of the central passage and mating with the lower end of the plunger to ensure the central passage is sealed (see, column 3, lines 52-63); further comprising a fitting for holding the plunger inside of the valve housing, a threaded cavity disposed on the top surface of the valve housing to engage the plug, the fitting having an opening through the center thereof for allowing the fitting to engage lower end of the plunger; said plunger further comprises an annular flange disposed at its lower end; flange having a diameter slightly less than the central passage; wherein said flange forms a seal against the central passage. Associated with the shut off valve bodies are levers (76, 88), shafts (72,74), vertical arms (80,90), and push buttons (82 and 110); wherein said button (82) is pushed to actuate the lever arm about the pivoted point to push against the plunger to lift valves in the two valve bodies simultaneously, permitting the flow of gas through the passages in the valve bodies. Conversely, a push on the button (110) generates a response that shuts off to simultaneously the lift valves in the valves bodies thereby stopping the flow of gas to the torch (see, column 4, line 35- column 5, line 40). Black's system therefore provides the capability of simultaneously shutting off or opening two gas supplies one in each separate valve bodies and therefore affords the welder the benefit of temporarily stopping a welding operation to adjust the work piece by simply activating the lever pivot system to shut off simultaneously both gas supplies and conducting. The converse operation also permits gas flow to the torch thereby allowing resumption of welding (see, Black, column 4, line 35- column 5, line 40). It is to be noted that Black's reference is not required to teach a

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purge gas, what is relevant in Black's disclosure is the teaching of having two valve bodies or housing operable controlled simultaneously in the same sense (i.e. open and close) by a lever pivot system which is structurally equivalent to the features claimed as invention.

It would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to have modified the gas aver system of AAPA by providing two valve bodies or housing couple together and operable controlled simultaneously in the same sense by a lever pivot system as taught by Black to enable simultaneous control of the gas, fuel and purge gas supply in a welding or brazing operation, thereby given the operator the benefit of temporarily stopping a welding operation to adjust the work piece by simple activating a lever pivot system to shut off simultaneously a plurality of gas fuel and purge gas supply streams to the torch without wastage (see, Black, column 4, line 35- column 5, line 40).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Teten (US 1,526,512) and Lilja (US 3,937,253) are also cited in PTO-892.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Aboagye whose telephone number is 571-272-8165. The examiner can normally be reached on Mon - Fri 8:30am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Michael Aboagye
Assistant Examiner
Art unit 1725

07/31/2006

KEVIN KERNS
PRIMARY EXAMINER

Kevin Kerns 8/1/06